

[Counsel Information Listed On Signature Page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CAPELLA PHOTONICS, INC.,
Plaintiff,

v.

TELLABS OPERATIONS, INC. AND
CORIANT (USA) INC.,

Defendants.

Lead Case No. 3:14-cv-03348-EMC

No. 3:14-cv-03350-EMC (related case)

JOINT STIPULATION TO EXTEND
CLAIM CONSTRUCTION DEADLINES
AND [~~PROPOSED~~] ORDER

Judge Edward M. Chen

CAPELLA PHOTONICS, INC.,
Plaintiff,

v.

CISCO SYSTEMS, INC.,

Defendant.

No. 3:14-cv-03348-EMC

CAPELLA PHOTONICS, INC.,
Plaintiff,

v.

FUJITSU NETWORK
COMMUNICATIONS, INC.,

Defendant.

No. 3:14-cv-03349-EMC (related case)

CAPELLA PHOTONICS, INC.,
Plaintiff,

v.

CIENA CORPORATION,

Defendant.

No. 3:14-cv-03351-EMC (related case)

Plaintiff Capella Photonics, Inc. ("Capella"), and Defendants Tellabs Operations, Inc. ("Tellabs"), Coriant (USA) Inc. ("Coriant"), Cisco Systems, Inc. ("Cisco"), Fujitsu Network Communications, Inc. ("FNC"), and Ciena Corporation ("Ciena"), by and through

1 their respective counsel, respectfully submit this Joint Stipulation to Extend Claim
2 Construction Briefing.

3 On October 7, 2014, the Court originally set deadlines for claim construction. Dkt.
4 122. On January 13, 2015, the Court modified the schedule to set the following deadlines:

5 **Claim Construction Opening Brief: February 23, 2015**

6 **Claim Construction Opposition Brief: March 9, 2015**

7 **Claim Construction Reply Brief: March 16, 2015**

8 **Tutorial: April 3, 2015 (2:30 p.m.)**

9 **Claim Construction Hearing: April 13, 2015 (2:30 p.m.)**

10 Dkt. 152.

11 The parties bring this joint stipulation to extend those dates because of the pending
12 motion by Cisco Systems Inc. to stay these consolidated cases pending the Patent and
13 Trademark Office's decision to institute *inter partes review* ("IPR") proceedings on the
14 patents-in-suit. Dkt. 161; 164. Cisco's motion is currently set for hearing on March 12,
15 2015. Dkt. 163.

16 Good cause exists to postpone claim construction briefing until after the decision on
17 Cisco's motion to stay because of the interest in judicial efficiency and economy. As the
18 schedule currently stands, the briefing schedule for Claim Construction overlaps with the
19 briefing schedule for Cisco's motion to stay. If the Court grants Cisco's motion, in light of
20 the pending IPR proceeding, the Claim Construction briefing and subsequent tutorial and
21 hearing will become moot. If the Court denies Cisco's motion, the parties may resume
22 Claim Construction briefing without any additional effect to the case schedule.

23 Based on calendar dates, the parties request that the Court grant an order amending
24 the upcoming claim construction deadlines as follows:

25 **Claim Construction Opening Brief: March 26, 2015**

26 **Claim Construction Opposition Brief: April 9, 2015**

27 **Claim Construction Reply Brief: April 16, 2015**

28 Tutorial 5/1/15 at 2:30 p.m. Claim construction hearing: 5/18/15 at 2:30 p.m.

The movants further request that the tutorial scheduled for April 3, 2015, and the claim
construction hearing set for April 13, 2015, be vacated and reset depending on the court's
convenience. No deadlines have been set in this case beyond the claim construction

1 hearing, so the requested time modification would have no additional effects on the case
2 schedule.

3 Respectfully submitted,

4 Dated: February 23, 2015.

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13 By: /s/ Stephen E. Berge

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15 Dated: February 23, 2015.

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23 Dated: February 20, 2015.

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ATTESTATION

I HEREBY ATTEST THAT, pursuant to Local Rule 5-1(i)(3), concurrence in the filing of the document has been obtained from the other Signatories for the conformed signature within this electronically filed document.

Dated: February 23, 2015. PILLSBURY WINTHROP SHAW PITTMAN LLP
STEPHEN E. BERGE

By: /s/ Stephen E. Berge
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Attorneys for Defendant TELLABS OPERATIONS,
INC. AND CORIANT (USA) INC.

IT IS SO ORDERED AS MODIFIED ABOVE

Edward M. Chen
U.S. District Judge

